

# **EXHIBIT A**

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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

8 IN RE BARD IVC FILTERS PRODUCTS  
9 LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

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11 THIS DOCUMENT RELATES TO:

No. CV-17-03288-PHX-DGC

12 *Betsie Dean v. C.R. Bard, Inc., et al.*  
13 \_\_\_\_\_

14 **DECLARATION OF BLAIR B. MATYSZCZYK IN SUPPORT OF**  
15 **MOTION TO WITHDRAW AS COUNSEL OF RECORD**

16 I, BLAIR B. MATYSZCZYK , hereby declare as follows:

17 1. My name is Blair B. Matyszczyk and I am an attorney practicing at the law firm of  
18 Bertram & Graf, L.L.C.'s office in Kansas City, Missouri. Additional counsel of record includes  
19 Benjamin A. Bertram, Esq., of Bertram & Graf, L.L.C.

20 2. This Declaration is submitted in support of the Motion to Withdraw as Counsel of  
21 Record ("Motion to Withdraw") filed on behalf of all Plaintiff's counsel identified in paragraph 1.

22 3. I make this Declaration based upon my personal knowledge and would competently  
23 testify to the matters set forth herein if called as a witness.

24 4. Pursuant to CMO 5 the deadline for serving a Plaintiff Profile Form ("PPF") was  
25 November 21, 2017.

26 5. On September 22, 2017, a letter was sent via Federal Express to Plaintiff regarding  
27 the return of her PPF.  
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1           6.     Plaintiff has not responded to the letter that was sent on September 22, 2017.

2           7.     On November 20, 2017, our office sent Plaintiff an e-mail message to follow up on  
3 the return of her PPF.

4           8.     Plaintiff has not responded to the e-mail sent on November 20, 2017.

5           9.     Our office made at least three phone call attempts on November 20, 2017, but  
6 encountered a busy signal on each occasion.  
7

8           10.    On November 20, 2017, counsel for Plaintiff requested a twenty (20) day extension  
9 to serve Plaintiff's PPF, which was granted by counsel for Defendants.

10           11.    As of November 29, 2017, Plaintiff had not returned a completed PPF.

11           12.    On November 29, 2017, multiple phone calls were made to Plaintiff and on each  
12 occasion our office continued to encounter busy signals.  
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14           13.    On December 4, 2017, counsel spoke with Plaintiff's husband and he indicated that  
15 Plaintiff had told him that she was going to call us during the previous week.

16           14.    On December 5, 2017, counsel received a voice mail from Plaintiff at 6:30 a.m. and  
17 tried to return the call during office hours but Plaintiff's voice mailbox was full.  
18

19           15.    On December 6, 2017, counsel for Plaintiff sent an e-mail to Plaintiff regarding her  
20 unreturned PPS and the urgency with which we needed to speak with her.

21           16.    Counsel has not received a response from Plaintiff since December 5, 2017.

22           17.    On December 11, 2017, having not received Plaintiff's completed PPF, counsel for  
23 Plaintiff requested a ten (10) day extension to serve Plaintiff's PPF, which was granted by counsel  
24 for Defendants.

25           18.    On December 11 and December 20, 2017, counsel was able to leave voice mail  
26 messages for Plaintiff indicating that she need to call our office.  
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